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SUMMARY RECORD OF THE 5th MEETING

Chairman: Mr. AL-SHAALI (United Arab Emirates)

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The meeting was called to order at 10.05 a.m.

AGENDA ITEM 92: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (A/46/3 (chap. IV, sect. A), A/46/18, 166, 183, 184, 344, 391, 447, 465, 493, 501; A/C.3/46/2; E/1991/39)

AGENDA ITEM 93: RIGHT OF PEOPLES TO SELF-DETERMINATION (A/46/166, 184, 292, 294, 304, 344, 459, 501)

1. Mr. PARSHIKOV (Union of Soviet Socialist Republics) said that it had become more urgent than ever to eradicate racism, racial discrimination and apartheid, which bore the seeds of national and regional strife.
2. The efforts of the international community to combat the inhuman apartheid regime had continued to yield results. The dialogue between the Government of South Africa and the African National Congress had been stepped up, the release of political prisoners had begun, many previously banned organizations had been legalized, and those three pillars of apartheid, the Land Acts, the Group Areas Act and the Population Registration Act, had been repealed (A/46/459, para. 112). There was therefore reason to hope that apartheid would be eradicated, not only de jure but also de facto, in the not-too-distant future. But the current period was fraught with dangers, and all parties concerned must show political wisdom in seeking a solution that would guarantee South Africa's peaceful transition to a united, non-racial and democratic system of government. In the view of his delegation, the agreement signed in September 1991 by more than 50 major organizations in South Africa on the prevention of violence in the country was an important step towards making irreversible the process that had begun.
3. Racism and racial discrimination, which often took on more insidious forms, were frequently encountered in employment, housing and immigration policies. Their targets could be ethnic groups, indigenous peoples, immigrants or refugees. Experience had shown that no country was in a position to claim complete immunity from such conflicts. For that reason, every country must promote understanding among races and nationalities and respect for the rights and freedoms of all.
4. In the Soviet Union, the past few years had seen a turbulent national renewal that had culminated in the declaration of independence and national sovereignty of the majority of the republics composing the USSR. Although welcome, such developments were often accompanied by strife between nationalities. His Government therefore considered it vital to establish effective political and legal mechanisms that promoted harmony among the various nationalities in the USSR on the basis of equality for all peoples and citizens, regardless of race or national origin.
5. In that context he drew attention to the declaration on human rights and freedoms adopted in September 1991 at the extraordinary session of the

(Mr. Parshikov, USSR)

Congress of People's Deputies of the USSR prohibiting any restrictions or preferential treatment on the basis of race or nationality. The Soviet Union had recently made the declaration provided for in article 14 of the International Convention recognizing the competence of the Committee on the Elimination of Racial Discrimination to consider communications from individuals or groups that considered their rights to have been violated. In taking that decision, his Government was convinced that respect for human rights in the Soviet Union must meet the highest international standards and that all forms of discrimination must be eliminated.

6. Mr. SAHRAOUI (Algeria) said that racism and racial discrimination, supported for many years by pseudo-scientific theories, represented crimes against humanity. Apartheid, based on the idea of exclusivity and the exploitation of a majority by a minority, was the worst form of racism. As a result of the international community's increasingly firm action, combined with the struggle of the South African people, led by the African National Congress, the Government of South Africa had begun to adapt to current realities and was taking a more pragmatic approach than in the past.

7. Noteworthy among recent developments were the granting of independence to Namibia, the liberation of Nelson Mandela and the rescinding of the basic legal pillars of apartheid. Nevertheless, in spite of those encouraging signs, the situation in South Africa remained troubled. The violence currently raging in the townships, provoked by groups which supported the status quo, was a matter of serious concern. Furthermore, of the five measures needed to create the necessary climate for negotiations, as set forth in the Declaration on Apartheid and its Destructive Consequences in Southern Africa (General Assembly resolution S-16/1, annex), only certain ones had been implemented, and some only partially. Accordingly, his delegation strongly encouraged the Government of South Africa to apply in full the provisions of the Declaration and to review the Constitution in the light of the principle of equal citizenship for all.

8. At a time when the world was undergoing profound changes and there were an increasing number of victories in the field of human rights, a policy of oppression and colonization, based on the Zionist doctrine of ethnic superiority and religious ideology and engendering discrimination and hate, continued to be carried out in Palestine and the occupied Arab territories. The Government of Israel continued to practise discrimination and oppression and to demonstrate its intransigence. The Zionist regime was only able to maintain its arrogant posture with the support of certain countries, which were more concerned with their own interests than with showing solidarity within the international community. That attitude encouraged Israel to pursue its policy of imposing new conditions in response to every constructive overture made by the Palestinians, a policy which could only jeopardize the chances for convening an international peace conference on the Middle East. For their part, the Palestinians, under the leadership of the Palestine Liberation Organization, had taken significant steps towards reconciliation.

(Mr. Sahraoui, Algeria)

In the view of his delegation if the international community truly wished to establish a new world order, based on a strict and non-selective application of the Charter and of the relevant resolutions, it would recognize the inalienable rights of the Palestinian people to self-determination and to an independent State on its own territory.

9. For decades, migrant workers from the third world had been exploited by the industrialized countries, even while contributing to their prosperity. In certain host countries, particularly in Europe, migrant workers and their families were frequently assaulted and had become targets for demagogic politicians. Accordingly, his Government called upon those countries to strengthen the measures aimed at preventing such acts, in accordance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (General Assembly resolution 45/158, annex) and to apply systematically the sanctions provided for under their national legislation to those persons who stirred up racial intolerance. Host countries must also strive to create the socio-economic climate which would promote tolerance between groups.

10. The conflict in Western Sahara, which had given rise to so much suffering and destruction, was finally moving towards a solution, namely, the free exercise by the Saharan people of its right to self-determination, in accordance with the Charter. His country, which spared no effort in the search for a just and lasting solution to the conflict, firmly endorsed the efforts of the Secretary-General and the work of the United Nations Mission for the Referendum in Western Sahara (MINURSO), established by Security Council resolution 690 (1991) and responsible for implementing the referendum. It urged the parties concerned to do everything possible to facilitate the work of MINURSO and to avoid any action that might impede the referendum. A definitive solution to the conflict would be decisive for the stability and security of the region.

11. Mr. TROTTIER (Canada) said that cultural diversity was at the heart of Canadian society, which was composed of almost every nationality represented in the United Nations. Under the Constitution, the interpretation of equality rights must respect that multicultural heritage. His Government had recently announced, in its proposals for a new Constitution, the need to create a federation that could unite Canadians while leaving room for diversity. The new Constitution would also provide special recognition for the rights of aboriginal peoples within Canada and for the contribution of peoples from many cultures and lands.

12. But the elimination of racism was also the responsibility of citizens themselves, whether in their communities, at their workplace, in their homes or in their schools, and that was the approach Canada had taken in commemorating 21 March, the International Day for the Elimination of Racial Discrimination. The Canadian Centre for Police Race Relations had recently been established to promote understanding between the police and Canada's

(Mr. Trottier, Canada)

minority and aboriginal communities. Similarly, federal, provincial and municipal governments worked with those communities to address race-relation problems.

13. In November 1991, Canada would submit its eleventh report to the Committee on the Elimination of Racial Discrimination (CERD). Encouraging progress had been made in the General Assembly and the Commission on Human Rights to ensure that CERD had access to the resources it needed to carry out its important mandate. Canada encouraged all States that had not yet done so to ratify the International Convention on the Elimination of All Forms of Racial Discrimination as soon as possible.

14. Speaking recently before the plenary Assembly, the Secretary of State for External Affairs of Canada had stated that a decision by the General Assembly to rescind the infamous resolution equating zionism and racism would send a powerful and positive signal.

15. At long last, South Africa was moving to dismantle apartheid and create the climate in which negotiations on genuine non-racial democracy could take place. But some aspects of apartheid persisted.

16. The Commonwealth Committee of Foreign Ministers on Southern Africa, meeting in London in February 1991, had developed a "programmed management approach" linking any change in sanctions to real steps towards dismantling apartheid. Meeting in New Delhi in September 1991, it had sought to sustain pressure for further change by setting up a programme to remove sanctions as the situation evolved. Recognizing that significant changes had already occurred, the Committee had recommended to the Commonwealth Heads of Government, who would meet in Harare in the coming week, the lifting of sanctions on consular and visa restrictions on South Africans, boycotts on cultural and scientific contacts, restrictions on tourism promotion and bans on direct air-links and related agreements. But it had recommended the maintenance of trade and investment sanctions until appropriate transitional mechanisms had been agreed upon that would enable all the parties to participate fully in negotiations. Financial sanctions, which the Committee had considered the most effective of all, should be maintained until the drafting of a new, democratic constitution had been concluded, unless the negotiating parties jointly requested earlier action. The Commonwealth measures in support of the United Nations arms embargo should be maintained until a new, post-apartheid Government was firmly established.

17. The recently signed National Peace Accord showed the effectiveness of multi-party negotiations and also provided a persuasive model for an all-party conference to negotiate transitional arrangements, principles and procedures for the urgent task of drafting a new constitution. President De Klerk had undertaken to negotiate transitional arrangements to ensure that the Government would be unable to misuse its position of power to the detriment of its discussion partners, and his offer should be taken up in the all-party

(Mr. Trottier, Canada)

conference. The foundation for such arrangements, which already existed in the new National Peace Committee and the various ANC/government working groups, should be extended to provide representative and transparent administration of the security forces, broadcasting and social sectors among others.

18. Certain obstacles to negotiations remained: a number of political prisoners were still being held by the Government and the so-called homelands. International calls for their release must be heeded urgently. Canada supported the Secretary-General's proposal to establish a single list of alleged political prisoners and to refer disputed cases to a panel of independent experts or an independent jurist. In the meantime, undue focus on obstacles would delay negotiations with the Government and would only serve to perpetuate the human rights problems referred to above, which were far more widespread.

19. South Africa's agreement with the United Nations High Commissioner for Refugees was a landmark. Its accession to the Treaty on the Non-Proliferation of Nuclear Weapons and the resulting safeguards agreement were a great advance for regional peace. Canada shared the Secretary-General's view that ratification of the International Covenants on Human Rights would be a major step. It also urged South Africa to accede to the International Convention on the Elimination of All Forms of Racial Discrimination.

20. Further progress would inevitably raise the question of South Africa's resumed participation in the General Assembly and the specialized agencies. Once that was resolved, other issues, including arrears, would then become more manageable. The greatest encouragement that the international community could offer would be a pledge that the new South Africa would be welcomed back to the United Nations.

21. Mr. LAPORTE (France) said that, while in recent years the United Nations and its Member States had made impressive progress in the direction of peace and democracy, no lasting structure of that kind could be built without the elimination of racist theories and practices, the existence of which threatened all countries. Aware of that fact, his country had, under its Act of 13 July 1990, supplemented its programme to combat racism by, inter alia, increasing penalties, strengthening the capacities for action of anti-racist association, and curbing provocative statements in the media. Under the Act, an advisory committee on human rights submitted annually to the French Government a report on action to combat racism.

22. States were responsible not only for the prevention and suppression of racist acts; they must also promote relations between people. In that connection, the European Community was perhaps a unique example in recent history of a voluntary action intended to overcome the fears and rivalries inherited from the past. The Treaty of Rome prohibited any discrimination based on nationality. The forthcoming elimination of national barriers to the

(Mr. Lapouge, France)

free circulation of individuals within the European Community would cap the achievement and would establish a genuine European citizenry, which he hoped would extend beyond the bounds of the Community.

23. In spite of national and regional concerns, States should not lose sight of the universal nature of the struggle against racism and racial discrimination. His country commended the work accomplished by the Committee on the Elimination of Racial Discrimination, the Subcommission on Prevention of Discrimination and Protection of Minorities and the Centre for Human Rights. It endorsed the approaches and actions proposed by the Secretary-General in his report on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/1991/39).

24. As the end of the Second Decade drew near, his delegation had three hopes in that regard. First, no differences should be allowed to weaken the consensus in the international community that racism and racial discrimination must be eliminated.

25. Secondly, the programmes for the Second Decade should be translated into action. The first responsibility of States was to strengthen legal measures against racial discrimination and, accordingly, his country welcomed the forthcoming publication of model legislation to serve as guidelines for Governments. But combating racism was not solely a matter for Governments; the media played a major role in forming national and international public opinion in that field. There should also be greater participation of associations and non-governmental organizations in actions carried out by States. Such groups had been responsible for a number of measures adopted by the French Government to combat racism.

26. Thirdly, the important role of the Committee on the Elimination of Racial Discrimination would be further strengthened if more States were to make the declaration provided for under article 14 of the International Convention, thus recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals. Above all, the Committee must have adequate and regular funding. For the time being, and until a durable solution was found, his country supported the Secretary-General's proposal in his report on the financial situation of the Committee (A/46/447) to establish a "contingency reserve fund", in accordance with Commission on Human Rights resolution 1990/25. He also wished to state that France had now discharged its outstanding financial obligation with respect to the Committee.

27. His country reiterated its absolute condemnation of apartheid and called for its immediate and unconditional eradication. He wished nevertheless to note the extremely positive changes which had recently occurred and to pay tribute to those who had made them possible, Mr. Nelson Mandela and President De Klerk. The rescinding of the four laws on which apartheid was based was

(Mr. Lapouge, France)

the most tangible sign of the irreversible nature of those developments. Another encouraging event was the signing of the national peace accord. South Africa seemed at last in a position to reduce socio-economic disparities and to engage in negotiations leading to the adoption of a new constitution. His country, along with its partners in the European Community, offered its full support to that process.

28. He wished to pay tribute to the new Members of the United Nations. Their example would serve as an inspiration in the continuing struggle of peoples for self-determination, to which France pledged its full support.

29. Mr. O'BRIEN (New Zealand) said that his country, as a multiracial society, sought to guarantee true racial equality for all: the indigenous Maori people, others of New Zealand descent - the Pakeha - and those who had arrived more recently from the Pacific, Asia and Europe.

30. In recent years, New Zealand had directed its efforts to rectifying past wrongs. In 1975 it had initiated a process of hearings on claims under the 1840 Treaty governing relations between Maori, Pakeha and immigrants. The 1971 Race Relations Act promoted racial equality in New Zealand and implemented the International Convention on the Elimination of All Forms of Racial Discrimination. The pattern of Maori underachievement had been a matter for serious concern for successive Governments. The recent Ka Awatea report had proposed improved access to various government services, and a new Ministry of Maori Development had been established to implement the proposals. There was a general admission within New Zealand society of the outstanding issues which the nation must face, and his Government was addressing them as quickly as possible.

31. Despite the efforts of the United Nations, racism continued in many parts of the world. Apartheid was racial discrimination at its worst, and New Zealand actively supported international efforts to bring apartheid to an end by peaceful means. Until the establishment of a non-racial democratic society was complete, recent encouraging changes could not be regarded as fundamental. His delegation supported the early commencement of negotiations on a new constitution.

32. New Zealand had always adhered closely to the approach of the Commonwealth Heads of Government on South Africa, including its policy on the phased relaxation of sanctions. It was New Zealand's objective to ensure that the Commonwealth and the United Nations continued to influence the situation in South Africa.

33. The Committee on the Elimination of Racial Discrimination (CERD) played a particularly important role in monitoring compliance by States with their obligations. CERD's recent dialogue with the Subcommission on Prevention of Discrimination and Protection of Minorities had been useful, and in the future it should be broadened to include the Working Group on Indigenous Populations.

(Mr. O'Brien, New Zealand)

34. New Zealand urged that States parties must meet their financial obligations in respect of CERD and other treaty bodies. The situation facing CERD had reached such proportions that the time had come for practical long-term relief; financial constraints must not continue to impair its monitoring role. Future funding from the regular budget was therefore one option that must be explored.

35. Turning to the issue of self-determination, he said that New Zealand welcomed the restoration of independence to the three Baltic States and their admission to the United Nations. It was also gratified that self-determination was running its just course in New Caledonia. The rights of all New Caledonians, particularly the indigenous Kanak people, must be respected.

36. His Government welcomed the progress made in Cambodia and had offered practical assistance to help restore peace to that troubled country.

37. New Zealand shared with others a deep desire to see a peaceful settlement of the Middle East question and applauded the efforts of the United States Secretary of State to promote a conference. Any settlement must be on the basis of Security Council resolution 242 (1967) and must recognize the right of the Palestinians to self-determination, including the right to establish their own State, if that was their wish.

38. New Zealand was very concerned about the situation in Myanmar, where a democratically elected Government had still not been able to take office.

39. The overthrow of Haiti's democratically elected Government ran counter to the democratic process occurring in Latin America and elsewhere. New Zealand welcomed the efforts of the Organization of American States to redress the situation. The United Nations, which had helped bring about a democratic Government in Haiti, must continue to take an active interest in the matter.

The meeting rose at 11.15 a.m.